

# DRAFT

**ITEM #4**

**P.C. MEETING: 01/09/03**

**PUBLIC HEARING  
(CONTINUED FROM 11/07/02)**

COMMUNITY: Lake Arrowhead/S-3  
APPLICANT: LB/L-DS Ventures Lake Arrowhead, LLC (Patriot Homes)  
FILE/INDEX: GPA/TT/FDP/M238-401/01/APN: 0331-323-01\*  
PROPOSAL: A) General Plan Amendment from Multiple Residential 3,000 sq. ft. minimum lot size (LS/RS-14M) to Planned Development (LA/PD) on 11.8 acres.  
B) Tentative Tract 16211 to create 41 numbered residential lots and one lettered lot on 11.8 acres.  
C) Preliminary and Final Development Plan for Tentative Tract 16211 for 41 numbered residential lots and one lettered lot on 11.8 acres.  
LOCATION: Kuffel Canyon Rd. west side approximately 30 ft. south of Shenandoah Drive.  
REP(S): W.J. McKeever, Inc., (Dennis Stafford)  
STAFF: Ron Riley

Mr. Ron Riley, Planner, presented the staff report, which is on file with the Land Use Services Department, Current Planning Division. He reviewed with the Commission interoffice memo dated December 23, 2002, from Mr. Riley to the Planning Commission.

Chairman Laning stated his concerns about the separation of the culvert, shown on picture #10, Page 139 of the staff report. He felt that this could pose a safety hazard.

Mr. Riley replied that the Land Development Engineering, Drainage Section, informed him that the areas in question would be improved and protected with a chain link fence. Mr. Riley also stated that the Drainage Section informed him that the maintenance of these areas would be the responsibility of the developer.

Commissioner Kwappenberg asked if the drainage issues were in the Conditions of Approval.

Chairman Laning questioned the number of units that could be built under existing approvals. Mr. Riley discussed the status of the existing approval of 181 units. Further discussion ensued between the Commission and Mr. Riley regarding the number of units that could be constructed and the current proposal, and future unit proposals of the property.

**PUBLIC TESTIMONY**

**The following people testified on the proposal:**

- Dennis Stafford, Applicant Representative, McKeever Engineering
- Jeff Johnson, Geotechnical Consultant to Patriot Homes

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- Dennis Whitney, President of the Lake Arrowhead Community Services District Board of Directors
- Catherine Sawyer, Concerned Resident
- Ralph Wagner, President of Arrowhead Lake Association
- Peter Odegard, Concerned Resident
- Marlene Alexander, Concerned Resident
- James Alexander, Concerned Resident
- Lorna Johnson, Concerned Resident
- Ted Heyck, Concerned Resident
- Charles Bobbitt, Concerned Resident
- Kurt Nelson, Concerned Resident
- Jeff Wright, Concerned Citizen

Mr. Dennis Stafford, Applicant Representative, stated that staff adequately addressed the main issues from the last Planning Commission Hearing. He discussed the water service availability, grading issues and tree removal concerns of Commissioner Kwappenberg. He also addressed the drainage issue that was a concern of Chairman Laning, and the number of recorded condominium units on the site. He stated that they have proceeded with additional geotechnical investigations and potholing to locate the various utilities throughout the site, and the location of any water and sewer mains since the last hearing. He discussed the erosion issues in relation to the old roadbed for Kuffle Canyon Road, old road fills, and construction on the site.

Commissioner Kwappenberg questioned Mr. Stafford about the "spring" she noticed in the cul-de-sac area.

Mr. Jeff Johnson, Geotechnical Consultant for Patriot Homes, responded to the question from Commissioner Kwappenberg regarding the "spring". Discussion ensued between Mr. Johnson and the Commission regarding any "springs" in the area, shallow groundwater/perched water, types of soils of the area, and the redirection of any "springs" or water on the surface, and boring sites.

Commissioner Brown referred to the letter from Kathleen Judy in the staff report on Page 58, referencing in the letter to the "springs" in the area.

Commissioner Brown motioned to reopen public comment. Commissioner Kwappenberg seconded the motion.

Commissioner Brown stated for the record that she has listened to the tapes of the November 7, 2002, hearing.

Mr. Dennis Whitney, President of the Lake Arrowhead Community Services District (LACSD) Board of Directors, stated at the Board of Directors' public hearing, they

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voted five to zero not to suspend new construction. He explained that it is not the number of homes in Lake Arrowhead that is an issue, adding the issue is that some of the residents use an enormous amount of water. He discussed water conservation measures, and long-term plans in relation to the water issues. He reiterated LACSD's comments that the Patriot Homes proposal does not appear to greatly effect the amount of water that is going to be used. He then added that these homes would not be able to have any landscaping.

Commissioner Kwappenberg asked Mr. Whitney if the letter from their agency was a will-serve letter. Mr. Whitney responded that they do not view it as a will-serve letter. LACSD will issue will-serve letters as the individual building permits are submitted. He added that the terms and conditions most likely would change.

Commissioner Kwappenberg asked Mr. Whitney about the storage capacity, and if there would be enough water to meet the fire flow requirements and all the needs of the project. Mr. Whitney stated the storage capacity is required in order to get the volume required for fire flows.

The following residents spoke in opposition to the project: Ralph Wagner, President of Arrowhead Lake Association, Catherine Sawyer, Peter Odegard, Marlene Alexander, James Alexander, Lorna Johnson, Ted Heyck, Charles Bobbitt, Kurt Nelson, and Jeff Wright. They expressed their concerns about the drought, the level of the Lake, death of trees, water conservation measures, and the need to have an additional water source.

Also discussed were the locations of the past "springs" in the area, potential flooding, erosion, death of the forest, bark beetle, fire hazards, grading, and the need for an Environmental Impact Report.

The Commission discussed the landscaping plan, the minimum lot size, Caltrans' recommended requirements, and the Arrowhead Association voting on supplemental water and its effect on the project.

There being no one else in the audience to speak on this item, Chair Kwappenberg closed the public testimony.

## **DISCUSSION**

Commissioner Brown stated her concerns with the Mitigated Negative Declaration, and stated that the Commission could require an Environmental Impact Report (EIR) on the project. She felt there were too many areas that would have a significant impact.

Commissioner Brown motioned to require an EIR on the project. Commissioner Kwappenberg seconded the motion.

Commissioner Dowling commented on the Negative Declaration versus the EIR.

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Commissioner Brown felt that the water issues, transportation, drainage, groundwater and other issues should be substantial enough to require an EIR. She felt that requiring the EIR would help alleviate the communities concerns.

Robin Cochran, Deputy County Counsel, stated that this matter is not before the Commission for the Environmental Determination alone. It is also before them for approval of the project. She stated that the Commission would have to make a determination with respect to the project. She stated if the desire of the motion-maker to require an EIR, the motion would read, *to recommend that the Board of Supervisors Deny the project because the Commission finds that a fair argument can be made that the project may have a significant effect on the environment, requiring the preparation of an EIR.* She further commented to the Commission, that the evidence to support the fair argument must be substantial evidence, it cannot be based on speculation; it must be offered by those who are qualified to provide the information. She added the recommendation then would go to the Board to Deny the project and to require an EIR.

Commissioner Brown motioned to Deny the project because she feels they need an EIR on the project.

Commissioner Kwappenberg proposed an amendment to the motion, stating that one of the findings they have to make in the General Plan Amendment is that the Land Use District change is consistent with the goals and policies of the General Plan. They are charged with looking at the health, safety and welfare of the residents who live on the Mountain, and she did not feel that the project at this time protects the health, safety and welfare of those individuals.

Commissioner Brown accepted the amendment to the motion. Commissioner Kwappenberg seconded the amended motion. Chairman Laning called for the vote.

Robin Cochran, Deputy County Counsel, clarified for the record, the motion did not carry with a 2:2 vote; and, therefore, will go to the Board without a recommendation from the Commission.

Commissioner Brown clarified that she wanted to make sure all the discussion and the findings that Commissioner Kwappenberg stated would be relayed at the Board hearing.

### **COMMISSION ACTION**

DENIED without Prejudice.

**MOTION: BROWN**

**SECOND: KWAPPENBERG**

**AYES:** Brown, Kwappenberg

**NOES:** Dowling, Laning

**ABSENT:** None

**ABSTAIN:** None